

REMARKS

Claims 1, 6, 8 and 9 were rejected under 35 U.S.C. 102(e) as anticipated by Suzuki.

Responding to Examiner's position on Claim 1, Examiner interprets Suzuki to fit the claim. The claim calls for positioning rows of images on a curved surface. Examiner uses the surface of the lenticular lenses 230, but in reality the image passes through the lens 230 and is not positioned on its surface as claimed.

Further regarding Claim 1, original Claim 1 calls for "wherein said rows of the repeated first image differ from row to row". The images in the rows (Fig. 15) of Suzuki are the same image repeated. This is a substantial difference as Suzuki will require a complex series of lenticular lenses to function whereas applicant's device requires no lenses.

Further regarding Claim 1, as amended calls for such that rotation of the non-planar surface about an axis produces an animated loop from the rows of said first and second images on center line. This limitation is not shown in any of the prior art. Suzuki does not show any movement of the non-planar surface and does not show rotation about an axis. Kay (used later by Examiner) does not show a series of images used to create an animated loop.

Regarding Claim 6, original Claim 6 called for "wherein a separated distance of said first and second elements determines a perceived depth." The prior art all used lenticular lenses and the distance between images does not determine a perceived depth.

Further as to Claim 6, as amended, Claim 6 calls for elements and wherein said non-planar surface is a cylindrical container. None of the prior art shows this. This is an important element as the simple depth illusion of the claimed invention would be very effective as a low cost method of attracting attention in applications such as advertising.

Claims 2 – 5 were rejected under 35 U.S.C. 103(a) as unpatentable over Suzuki in view of Sussman.

Examiner uses Sussman to teach making an image appear to float in space as claimed. However, it is very unclear how the lenticular imaging device of Suzuki could actually be modified to provide that kind of image. In fact, applicant does not believe it is possible to modify Suzuki with the teaching of Sussman. The lenticular technology that Suzuki depends upon would destroy the perceived effect of Sussman. Therefore, Examiner's combination results in a non-functioning device.

Further, with regard to Claim 2 as amended, calls for elements and wherein said non-planar surface is a cylindrical container. Again, none of the prior art shows this. This is an important element as the simple depth illusion of the claimed invention would be very effective as a low cost method of attracting attention in application such as advertising.

With regard to Examiner's rejection of Claim 7, it is true that Kay does show a cylindrical surface with different images printed on it, but the cylinder of Kay is not a container as claimed in Claims 2 and 6. And the cylinder of Kay does not create an animation of image, upon rotation of the cylinder about an axis as claimed in Claims 2 and 9.

CONCLUSION

Based on the remarks above, it is felt that Claims 1 - 9 are now in condition for allowance.

In the event that Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number identified below.

Respectfully submitted,

by: 

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